

Appl. No. 10/773,505
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REMARKS

Claim 9 has been amended. Claim 1 and 4-10 remain pending. Reconsideration and reexamination of the application are requested.

The Examiner rejected claim 7 under 35 USC 103(a) as being obvious on consideration of Patton in view of Rose. The rejection is respectfully traversed.

The Examiner, on page 2 of the Official action discusses Patton as disclosing an agricultural implement for being pulled by a powered vehicle, referencing Figs. 5-8. The Examiner identifies rods 90, 92 as equivalent to the tow bar assembly of claim 7, and identifies machine 20 as equivalent to the working assembly of claim 7. Applicant does not disagree with this characterization. The Examiner however, discusses the pivoting assembly of claim 7 with respect to Patton by indicating "a pivoting assembly (seen as turn buckle 96) connecting said tow bar assembly and said working assembly". This is incorrect. Applicant does not disagree that turnbuckle 96 in view of the hydraulic cylinder disclosure in Rose may be likened to the hydraulic cylinder of the pivoting assembly of claim 7, but it is incorrect to state that the pivoting assembly (or turnbuckle/hydraulic cylinder) connects between the tow bar assembly and the working assembly. With reference to Figs. 5-8 of Patton, it is clear that turnbuckle 96 connects between the working assembly and the tractor. The tractor is not part of the tow bar assembly of the implement. This is the problem with a three point hitch. The implement of claim 7 requires "said pivoting assembly including a hydraulic cylinder connected between said tow bar assembly and said working assembly....". Patton does not disclose such structure. Rose adds nothing to this omission of disclosure. The Examiner misstates what Patton discloses. The file history of this case makes it clear that the tow bar assembly of the claims is not a three point hitch. The language of claim 7 excludes a three point hitch. Patton does not disclose or point to or provide motivation for the disclosure or structure required by the implement of claim 7. A combination of Patton and Rose does not address the omission. Claim 7 does not follow from consideration of

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the references and is non-obvious over them. Reconsideration and withdrawal of the rejection is respectfully requested.

Applicant gratefully acknowledges the allowance of claims 1, 4, 5, 6, 9, and 10 and the indication that claim 8 would be allowed if rewritten in independent form.

It is submitted that this application is in condition for allowance. Reconsideration is requested. Allowance of all the pending claims at an early date is solicited. Any questions regarding this communication can be directed to the undersigned attorney, Curtis B. Hamre, Reg. No. 29,165 at (612) 455-3802.



Dated: September 7, 2006

Respectfully submitted,

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